

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 03/31/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
STEPHEN SISSELMAN,	:	
	:	
Plaintiff,	:	
-against-	:	
	:	22-CV-1252 (VEC)
	:	
FIRST RELIANCE STANDARD LIFE	:	<u>ORDER</u>
INSURANCE COMPANY,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff's deadline to effect service on Defendant was February 11, 2022,
Dkt. 11;

WHEREAS on February 8, 2022, this case was transferred from the District of Minnesota
to the Southern District of New York, Dkts. 17–18;

WHEREAS on February 15, 2022, this case was assigned to the Undersigned;

WHEREAS as of March 29, 2022, Plaintiff had not filed proof that it served Defendant
or moved for a default judgment to be entered against Defendant;

WHEREAS Defendant has not appeared or answered;

WHEREAS on March 29, 2022, Plaintiff filed a first amended complaint ("FAC"), Dkt.
25;

WHEREAS the Clerk of Court rejected Plaintiff's filing of the FAC, because he did not
include proof of either the opposing party's written consent or the court's leave, *see* Fed. R. Civ.
P. 15(a)(2);

WHEREAS on March 30, 2022, the Court ordered Plaintiff to show cause why this action should not be dismissed without prejudice for failure to serve or for failure to prosecute, Dkt. 26; and

WHEREAS on March 30, 2022, Plaintiff filed proof of service, indicating that Defendant had been served on March 2, 2022, Dkt. 28.

IT IS HEREBY ORDERED that Plaintiff's time to effect service of his original complaint is extended, *nunc pro tunc*, to March 2, 2022. Plaintiff's counsel must pay better attention to Court rules and deadlines. If Plaintiff was not going to meet the February 11, 2022 service deadline, *see* Order, Dkt. 11, Plaintiff's counsel should have requested a further adjournment of that deadline. Any future disregard for Court rules and deadlines by Plaintiff's counsel may result in sanctions up to and including monetary sanctions against the attorney personally and the dismissal of the case.

IT IS FURTHER ORDERED that the Order to Show Cause, at docket entry 26, is VACATED.

IT IS FURTHER ORDERED that the Court grants Plaintiff leave to file a First Amended Complaint. Plaintiff must re-file his FAC by no later than **Tuesday, April 5, 2022**. He must attach a copy of this Order granting him leave to the pleading.

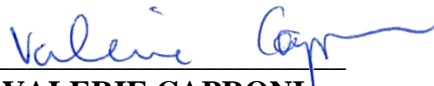
IT IS FURTHER ORDERED that, by no later than **Thursday, April 7, 2022**, Plaintiff must serve a copy of this Order and his First Amended Complaint on Defendant by mail and on opposing counsel by email and file proof of such service on the docket.

IT IS FURTHER ORDERED that, assuming Plaintiff serves Defendant by the April 7, 2022 deadline, Defendant must answer, move, or otherwise respond to the FAC by no later than **Thursday, April 28, 2022**.

The Clerk of Court is respectfully directed to vacate the Order to Show Cause at docket entry 26.

SO ORDERED.

Date: March 31, 2022
New York, New York



VALERIE CAPRONI
United States District Judge